

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re:	:	Chapter 13
Calvin D. Delp, Jr	:	JUDGE <u>CALDWELL</u>
Constance L Delp	:	Case No. <u>12-54622</u>
	:	

**MOTION TO MODIFY CHAPTER 13 PLAN**

Now come Debtors, Calvin and Constance Delp, by and through counsel, Courtney A. Cousino, and hereby request this Court enter an Order modifying their Chapter 13 plan. Support for the Motion is set forth below.

**MEMORANDUM IN SUPPORT**

The Debtors' Chapter 13 plan was confirmed on August 7, 2012 and called for payments to the Trustee in the amount of \$800.00 per month for the remainder of the plan, but not to exceed 5 years, until the plan is complete. The plan was subsequently modified in October 12, 2012 to modify their Chapter 13 Plan to lower the payment to \$600.00 per month for six (6) months starting in September 2012, then \$850.00 for the remainder of the plan. The general unsecured dividend is 1%.

The Debtors are requesting such modification because Debtor had a period of unemployment and even though he has now secured new employment the household income is lower. Debtors propose to modify their Chapter 13 Plan to pay \$600.00 per month for twelve (12) months starting in August 2014, then \$725.00 for the remainder of the plan. Debtors do not seek to decrease the unsecured dividend nor do they believe that the payment modification will violate the provisions of 11 U.S.C. §1322(d) regarding plan length. Pursuant to LBR 3015-2(b)(5) an amended Schedule I and J are attached hereto respectively.

Accordingly, the Debtors request this Court enter an order modifying the plan to pay \$600.00 per month for twelve (12) months starting in August 2014, then \$725.00 for the remainder of the plan. The general unsecured dividend and all other terms of the confirmed plan shall remain unchanged.

Respectfully submitted,

/s/ Courtney A Cousino

Courtney A Cousino Perdue (0082136)

Attorney for Debtors

610 S. Third St.

Columbus, OH 43206

(614) 228-4435

(614) 228-3882 fax

*courtney@fesenmyerlaw.com*

### **NOTICE OF MOTION**

Notice is hereby given that Debtor has filed the following papers with the Court: Motion for Modification.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought, or if you want the Court to consider your views thereon, then on or before twenty-one (21) days from the date of service of this Notice, you or your attorney must:

File with the Court a written request for a hearing along with a written response or an answer explaining your position. This pleading must be filed at Clerk of Courts, United States Bankruptcy Court, 170 N. High Street, Columbus, Ohio 43215. If you mail your request and response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. The Court will send out a Notice of hearing. You must also mail a copy to:

Courtney A. Cousino, Esq  
Fesenmyer Law Offices, LLC  
610 South Third Street  
Columbus, Ohio 43206

Office of the U.S. Trustee  
170 N. High Street, #200  
Columbus, Ohio 43215

Frank M. Pees - Chapter 13 Trustee  
130 E. Wilson Bridge Road, Suite 200  
Worthington, Ohio 43085

Calvin & Constance Delp  
1061 Strimple Avenue  
Columbus, Ohio 43229

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief pursuant to the provisions of Local Bankruptcy Rule 9013.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was mailed to the following parties whose names and addresses are set forth below by electronic and/or U.S. mail, postage prepaid, on August 27, 2014.

***By Electronic Notification to the following:***

- Asst US Trustee (Col) ustpregion09.cb.ecf@usdoj.gov
- Jennifer Fate fate@mmmb.com, tiffany@mmmb.com
- Brian M Gianangeli bgianangeli@mifsudlaw.com
- Frank M Pees trustee@ch13.org

***By first class postage prepaid regular U.S. Mail to the following:***

**Debtors:**

Calvin & Constance Delp  
1061 Strimple Avenue  
Columbus, Ohio 43229

**Creditors:**

*See attached matrix*

/s/ Courtney A. Cousino

Courtney A. Cousino (Perdue) (0082136)  
Attorney for Debtors

Fill in this information to identify your case:

Debtor 1 Calvin D Delp, Jr.

Debtor 2 Constance L Delp  
(Spouse, if filing)

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF OHIO

Case number 2:12-bk-54622  
(If known)

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing post-petition chapter 13 income as of the following date:

MM / DD / YYYY

## Official Form B 6I

### Schedule I: Your Income

12/13

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

#### Part 1: Describe Employment

	Debtor 1	Debtor 2 or non-filing spouse
<b>1. Fill in your employment information.</b>		
If you have more than one job, attach a separate page with information about additional employers.	<b>Employment status</b> <input checked="" type="checkbox"/> Employed <input type="checkbox"/> Not employed	<b>Employment status</b> <input checked="" type="checkbox"/> Employed <input type="checkbox"/> Not employed
Include part-time, seasonal, or self-employed work.	<b>Occupation</b> <u>Patient Transporter</u>	<b>Occupation</b> <u>Self-employed Hair Stylist</u>
Occupation may include student or homemaker, if it applies.	<b>Employer's name</b> <u>Ohio History Connection</u>	<b>Employer's name</b> <u>None</u>
	<b>Employer's address</b> <u>800 E. 17th Avenue1492 E. Broad Street Columbus, OH 43211</u>	
	<b>How long employed there?</b> _____	<b>How long employed there?</b> <u>since 1/2012</u>

#### Part 2: Give Details About Monthly Income

**Estimate monthly income as of the date you file this form.** If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
<b>2. List monthly gross wages, salary, and commissions</b> (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2. \$ <u>1,828.67</u>	2. \$ <u>0.00</u>
<b>3. Estimate and list monthly overtime pay.</b>	3. +\$ <u>0.00</u>	3. +\$ <u>0.00</u>
<b>4. Calculate gross income.</b> Add line 2 + line 3.	4. \$ <u>1,828.67</u>	4. \$ <u>0.00</u>

Debtor 1 **Calvin D Delp, Jr.**  
Debtor 2 **Constance L Delp**

Case number (if known) **2:12-bk-54622**

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here	4. \$ <b>1,828.67</b>	\$ <b>0.00</b>
<b>5. List all payroll deductions:</b>		
5a. Tax, Medicare, and Social Security deductions	5a. \$ <b>64.87</b>	\$ <b>0.00</b>
5b. Mandatory contributions for retirement plans	5b. \$ <b>182.87</b>	\$ <b>0.00</b>
5c. Voluntary contributions for retirement plans	5c. \$ <b>0.00</b>	\$ <b>0.00</b>
5d. Required repayments of retirement fund loans	5d. \$ <b>0.00</b>	\$ <b>0.00</b>
5e. Insurance	5e. \$ <b>491.68</b>	\$ <b>0.00</b>
5f. Domestic support obligations	5f. \$ <b>0.00</b>	\$ <b>0.00</b>
5g. Union dues	5g. \$ <b>0.00</b>	\$ <b>0.00</b>
5h. Other deductions. Specify: _____	5h.+ \$ <b>0.00</b>	+ \$ <b>0.00</b>
<b>6. Add the payroll deductions.</b> Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6. \$ <b>739.42</b>	\$ <b>0.00</b>
<b>7. Calculate total monthly take-home pay.</b> Subtract line 6 from line 4.	7. \$ <b>1,089.25</b>	\$ <b>0.00</b>
<b>8. List all other income regularly received:</b>		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ <b>0.00</b>	\$ <b>717.00</b>
8b. Interest and dividends	8b. \$ <b>0.00</b>	\$ <b>0.00</b>
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ <b>0.00</b>	\$ <b>0.00</b>
8d. Unemployment compensation	8d. \$ <b>0.00</b>	\$ <b>0.00</b>
8e. Social Security	8e. \$ <b>0.00</b>	\$ <b>0.00</b>
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: <b>Father's Social Security</b>	8f. \$ <b>940.00</b>	\$ <b>0.00</b>
8g. Pension or retirement income	8g. \$ <b>0.00</b>	\$ <b>0.00</b>
8h. Other monthly income. Specify: _____	8h.+ \$ <b>0.00</b>	+ \$ <b>0.00</b>
<b>9. Add all other income.</b> Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9. \$ <b>940.00</b>	\$ <b>717.00</b>
<b>10. Calculate monthly income.</b> Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ <b>2,029.25</b>	\$ <b>717.00</b>
<b>11. State all other regular contributions to the expenses that you list in Schedule J.</b> Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in <i>Schedule J</i> . Specify: _____	11. +\$ <b>0.00</b>	
<b>12. Add the amount in the last column of line 10 to the amount in line 11.</b> The result is the combined monthly income. Write that amount on the <i>Summary of Schedules</i> and <i>Statistical Summary of Certain Liabilities and Related Data</i> , if it applies	12. \$ <b>2,746.25</b>	<b>Combined monthly income</b>
<b>13. Do you expect an increase or decrease within the year after you file this form?</b> <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____		

Fill in this information to identify your case:

Debtor 1 Calvin D Delp, Jr.

Debtor 2 Constance L Delp  
(Spouse, if filing)

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF OHIO

Case number 2:12-bk-54622  
(If known)

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing post-petition chapter 13 expenses as of the following date:  
MM / DD / YYYY
- ☐ A separate filing for Debtor 2 because Debtor 2 maintains a separate household

## Official Form B 6J

### Schedule J: Your Expenses

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

#### Part 1: Describe Your Household

1. Is this a joint case?

- ☐ No. Go to line 2.
- ☒ Yes. Does Debtor 2 live in a separate household?
- ☒ No
- ☐ Yes. Debtor 2 must file a separate Schedule J.

2. Do you have dependents? ☐ No

Do not list Debtor 1 and Debtor 2.

☒ Yes. Fill out this information for each dependent.....

Do not state the dependents' names.

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Father

Daughter (college)

20

- ☐ No
- ☒ Yes
- ☐ No
- ☒ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No ☐ Yes

#### Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 6I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 0.00

If not included in line 4:

- 4a. Real estate taxes
- 4b. Property, homeowner's, or renter's insurance
- 4c. Home maintenance, repair, and upkeep expenses
- 4d. Homeowner's association or condominium dues

4a. \$ 0.00

4b. \$ 50.00

4c. \$ 30.00

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Calvin D Delp, Jr.**  
Debtor 2 **Constance L Delp**

Case number (if known) **2:12-bk-54622**

<b>6. Utilities:</b>		
6a. Electricity, heat, natural gas	6a. \$	<u>250.00</u>
6b. Water, sewer, garbage collection	6b. \$	<u>50.00</u>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	<u>75.00</u>
6d. Other. Specify: _____	6d. \$	<u>0.00</u>
<b>7. Food and housekeeping supplies</b>	7. \$	<u>525.00</u>
<b>8. Childcare and children's education costs</b>	8. \$	<u>0.00</u>
<b>9. Clothing, laundry, and dry cleaning</b>	9. \$	<u>30.25</u>
<b>10. Personal care products and services</b>	10. \$	<u>36.00</u>
<b>11. Medical and dental expenses</b>	11. \$	<u>60.00</u>
<b>12. Transportation.</b> Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	<u>275.00</u>
<b>13. Entertainment, clubs, recreation, newspapers, magazines, and books</b>	13. \$	<u>0.00</u>
<b>14. Charitable contributions and religious donations</b>	14. \$	<u>0.00</u>
<b>15. Insurance.</b> Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a. \$	<u>0.00</u>
15b. Health insurance	15b. \$	<u>0.00</u>
15c. Vehicle insurance	15c. \$	<u>85.00</u>
15d. Other insurance. Specify: _____	15d. \$	<u>0.00</u>
<b>16. Taxes.</b> Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: <b>Property Tax</b>		
	16. \$	<u>180.00</u>
<b>17. Installment or lease payments:</b>		
17a. Car payments for Vehicle 1	17a. \$	<u>0.00</u>
17b. Car payments for Vehicle 2	17b. \$	<u>0.00</u>
17c. Other. Specify: _____	17c. \$	<u>0.00</u>
17d. Other. Specify: _____	17d. \$	<u>0.00</u>
<b>18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 6I).</b>		
18. \$		<u>0.00</u>
<b>19. Other payments you make to support others who do not live with you.</b>		
19. \$		<u>0.00</u>
Specify: _____		
<b>20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.</b>		
20a. Mortgages on other property	20a. \$	<u>0.00</u>
20b. Real estate taxes	20b. \$	<u>0.00</u>
20c. Property, homeowner's, or renter's insurance	20c. \$	<u>0.00</u>
20d. Maintenance, repair, and upkeep expenses	20d. \$	<u>0.00</u>
20e. Homeowner's association or condominium dues	20e. \$	<u>0.00</u>
<b>21. Other:</b> Specify: <b>Father's Medical and Living Expenses</b>	21. +\$	<u>500.00</u>
<b>22. Your monthly expenses.</b> Add lines 4 through 21. The result is your monthly expenses.	22. \$	<u>2,146.25</u>
<b>23. Calculate your monthly net income.</b>		
23a. Copy line 12 ( <i>your combined monthly income</i> ) from Schedule I.	23a. \$	<u>2,746.25</u>
23b. Copy your monthly expenses from line 22 above.	23b. -\$	<u>2,146.25</u>
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$	<u>600.00</u>
<b>24. Do you expect an increase or decrease in your expenses within the year after you file this form?</b> For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes.		
Explain: _____		

Label Matrix for local noticing

0648-2

Case 2:12-bk-54622

Southern District of Ohio

Columbus

Tue Aug 26 16:37:47 EDT 2014

American Tax Funding Servicing, LLC

345 Jupiter Lakes Blvd., Ste 300

Jupiter, FL 33458-7100

Cars for Less Inc

5240 Sinclair Road

Columbus, OH 43229-5419

Courtney A Cousino (Perdue)

Fesenmyer Law Offices, LLC

610 S. Third Street

Columbus, OH 43206-1026

Constance L Delp

1061 Strimple Avenue

Columbus, OH 43229-5046

Jennifer Fate

Murray Murphy Moul + Basil LLP

1533 Lake Shore Drive

Columbus, OH 43204-3899

Franklin County Treasurer

373 S. High St., 17th Floor

Columbus, OH 43215-4591

Gracerecovry

8346 Tyler Bv

Mentor, OH 44060-4221

Keith A Miller

2935 Perdue Avenue

Columbus, OH 43224-4559

National Credit Services

17704 134th Ave NE

Woodinville, WA 98072-4605

AmerAssist/AR Solutions

Attn: Kovacks

460 Polaris Parkway

Westerville, OH 43082-8212

American Tax Funding. LLC

345 Jupiter Lakes Blvd, Ste 300

Jupiter, FL 33458-7100

City of Columbus

Income Tax Division

50 W. Gay St., 4th Floor

Columbus, OH 43215-9037

Crđ Prt Asso

Attn: Bankruptcy

Po Box 802068

Dallas, TX 75380-2068

Department of the Treasury

Internal Revenue Service

PO Box 7346

Philadelphia, PA 19101-7346

(p)CHOICE RECOVERY INC

1550 OLD HENDERSON ROAD

STE 100

COLUMBUS OH 43220-3662

Brian M Gianangeli

6305 Emerald Parkway

Dublin, OH 43016-3241

Jefferson Capital Systems LLC

PO BOX 7999

SAINT CLOUD MN 56302-7999

Law Offices Of Charles Mifsud

326 S High Street # 201

Columbus, OH 43215-4522

National Recovery Agen

2491 Paxton St

Harrisburg, PA 17111-1036

American InfoSource LP as agent for

InSolve Recovery LLC

PO Box 269093

Oklahoma City OK 731269093

Asst US Trustee (Col)

Office of the US Trustee

170 North High Street

Suite 200

Columbus, OH 43215-2417

Collection

4200 International Pkwy

Carrollton, TX 75007-1912

Calvin D Delp Jr.

1061 Strimple Avenue

Columbus, OH 43229-5046

Enhanced Recovery Corp

Attention: Client Services

8014 Bayberry Rd

Jacksonville, FL 32256-7412

Fifth Third Bank

Fifth Third Bank Bankruptcy Department,

1830 East Paris Ave. Se

Grand Rapids, MI 49546-6253

Peter J Gibson

COX, KOLTAK & GIBSON, LLP

5 East Long Street, Suite 200

Columbus, OH 43215-2915

Jerry Townsend

331 N. Galena Road

Sunbury, OH 43074-9591

Natautoacct

Po Box 06095

Columbus, OH 43206-0095

Nevada Professional Co

10601 Grant Rd Ste 214

Houston, TX 77070-4476



Nuwell Credit Company  
c/o Ally Financial LLC  
PO Box 130424  
Roseville, MN 55113-0004

Ohio Department of Taxation  
Bankruptcy Division  
P.O. Box 530  
Columbus, OH 43216-0530

Ohio Department of Taxation  
P.O. Box 182401  
Columbus, OH 43218-2401

Ohio State Attorney General  
30 E. Broad St.  
17 Floor  
Columbus, OH 43215

Ohio State Department of Taxation  
21st Floor  
150 E. Gay St.  
Columbus, OH 43215-3191

Ohio State University  
The Law Office of Charels Mifsud LLC  
325 S High Street Annex Suite 201  
Columbus OH 43215

Palisades Collection LLC  
P.O. Box 1244  
Englewood Cliffs, NJ 07632-0244

Pcb  
5500 New Albany Rd Ste 2  
Westerville, OH 43082

Frank M Pees  
130 East Wilson Bridge Road  
Suite 200  
Worthington, OH 43085-2391

Quantum3 Group LLC as agent for  
World Financial Network Bank  
PO Box 788  
Kirkland, WA 98083-0788

Rent-A-Center  
1784 Morse Road  
Columbus, OH 43229-9524

Rjm Acq Llc  
575 Underhill Blvd Ste 2  
Syosset, NY 11791-3426

Rjm Acq Llc  
575 Underhill Blvd.  
Suite 224  
Syosset, NY 11791-3416

Rjm Acquisitions Llc  
575 Underhill Blvd, Suite 224  
Syosset, NY 11791-4437

Rutherford Funeral Homes  
2382 N. High Street  
Columbus, OH 43202

Tandem QCA Income Partners  
dba Lockbourne Lodge  
10610 Ashville Pike  
Lockbourne, OH 43137-9668

US Department of Education  
P.O. Box 4169  
Greenville, TX 75403-4169

United Collect Bur Inc  
5620 Southwyck Blvd Ste  
Toledo, OH 43614-1501

Verizon North  
P.O. Box 920041  
Dallas, TX 75392-0041

Wfnnb/tsa  
Attention: Bankruptcy  
Po Box 182685  
Columbus, OH 43218-2685

Wynona Holdings Inc  
1925 E. Dublin-Granville Rd. 103  
Columbus, OH 43229-3543

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Ffcc-columbus Inc  
1550 Old Henderson Rd St  
Columbus, OH 43220

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

End of Label Matrix

Mailable recipients 50

Bypassed recipients 2

Total 52